

PROB 12C
(6/16)

Report Date: December 20, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 20, 2022**Eastern District of Washington**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Antonio Victor Mirelez Case Number: 0980 2:13CR02061-TOR-1

Address of Offender: [REDACTED] Yakima, Washington 98901

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: October 24, 2013

Original Offense: Possession of a Firearm by Unauthorized Person, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 112 months Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: U.S. Attorney's Office Date Supervision Commenced: November 23, 2022

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: November 22, 2025

PETITIONING THE COURT

To issue a summons.

On November 28, 2022, supervised release conditions were reviewed and signed by Mr. Mirelez acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Special Condition #16:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to testing, as directed by the supervising officer (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mirelez is alleged to have violated his conditions of supervised release by consuming tetrahydrocannabinol (THC), on or about November 27, 2022.

On November 28, 2022, Mr. Mirelez reported to the probation office for his intake after releasing from the Bureau of Prisons on November 23, 2022. As this officer was escorting Mr. Mirelez to the urinalysis (UA) bathroom, Mr. Mirelez admitted to consuming THC on Saturday and Sunday from a vape pen. This officer thanked Mr. Mirelez for his honesty, but reminded him that he was not allowed to consume THC while on supervision.

Mr. Mirelez then provided a UA which tested presumptive positive for THC. While in the probation office, Mr. Mirelez signed an admission/denial form admitting he consumed THC

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on November 27, 2022. Mr. Mirelez agreed not to consume any more THC while on supervision, and this officer explained to Mr. Mirelez if he remained in compliance with supervision in the following weeks, a no action report would be submitted to the Court.

- 2 **Special Condition #16:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to testing, as directed by the supervising officer (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mirelez is alleged to have violated his conditions of supervised release by consuming THC, on or about December 6, 2022.

On December 6, 2022, this officer received an email from staff at Merit Resource Services (Merit) that Mr. Mirelez' UA had returned presumptive positive for THC. The UA sample was sent to the national testing Lab for confirmation, and the UA sample was returned on December 16, 2022, as positive for THC.

- 3 **Special Condition #16:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to testing, as directed by the supervising officer (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mirelez is alleged to have violated his conditions of supervised release by consuming THC, on or about December 15, 2022.

On December 15, 2022, this officer received a phone call from a supervisor at Merit stating that Mr. Mirelez had provided a UA which tested positive for THC, after he completed his substance abuse evaluation.

That same day, this officer then contacted Mr. Mirelez via telephone to inform him that a Merit supervisor had called this officer about him completing his substance abuse assessment and testing positive for THC on both December 6 and 15, 2022. Mr. Mirelez then admitted he had consumed THC on both of those dates and was actively consuming THC out of a vape pen to help cope with his anxiety. This officer reminded Mr. Mirelez again that he has a condition which prohibits him from consuming THC, and due to the repeated violations, a summons would be issued to the Court. Mr. Mirelez voiced his understanding.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 20, 2022

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

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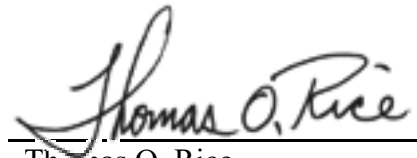
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THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

December 20, 2022

Date